

REMARKS

Applicants have amended the claims to incorporate the Examiner's suggestions for overcoming the objections noted in the Office Action of July 14, 2005.

Applicants also appreciate the courtesies extended by Examiner Victor MacArthur to applicants' undersigned representative and his associate, Eric P. Robins, during a personal interview conducted on December 20, 2005.

During the aforementioned interview, applicants' representative pointed out that none of the teachings of McGath, nor any possible interpretation of McGath, taught, nor made obvious, the claimed invention.

Although the Examiner made no indication of allowability during the interview, applicants submit that McGath cannot possibly be construed to make obvious the present invention.

The present invention is directed to a joint between first and second boards, where the joint is formed by a groove on one board and a tenon on another board, but where the tenon and groove define two fitting clearances, the first fitting clearance being bound by at least one of an upper surface of the tenon and the upper surface of the groove, or a lower surface of the tenon and the lower surface of the groove, and the second guiding fitting clearance being formed between a guiding wedge and at least one of the upper and lower surface of the groove. This is defined by independent claims 6 and 17 and it is not possibly found in or suggested by the teachings of McGath. As can be seen from applicants' original drawings, e.g., Figs. 1 and 2, a first board having a groove 1 and a second board having a tenon 2 can be joined together to form a joint between the two boards. As defined by independent claims 6 and 17, wherein a first fitting clearance is formed between an upper surface of

the tenon and the upper surface of the groove, or between the lower surface of the tenon and the lower surface of the groove, as is shown in Fig. 2.

However, the invention also includes the provision of at least one guiding wedge (3-Fig.1) such that a second fitting clearance is formed between the guiding wedge 3 and at least one of the upper and lower surface of the groove as specified in the independent claims. The provision of the second fitting clearance, being smaller than the first fitting clearance is provided to align the abutting planar surfaces of the boards; See, specification, second and third paragraphs on page 1.

By contrast, McGath teaches no such interrelationship.

While McGath does teach a tenon and groove joint (e.g., See, Fig. 4), there is formed no first and second fitting clearance because McGath simply lacks the structure, i.e., the guiding wedge, which comprises a distal tapered section and a proximal section extending from the tapered section toward the core so as to permit the planar surface of said at least one of the boards to abut a planar surface of the other board when the tenon of the board is mated with the groove of the other adjacent board as specified in, for example, independent claim 6.

As can be seen from Figs. 3 and 4 of McGath, McGath shows a skin 42 (column 5, lines 38, *et seq.*) of generally planar shape. However, as shown in the assembled view of the boards in Fig. 4, the planar surface of one of the boards does not abut a planar surface of the other board when the tenon of the board is mated with a groove of the other board.

Rather, McGath contains a (vertical) seam (51 and 52-column 5, lines 52, *et seq.*) which acts as bosses preventing the planar surfaces of adjacent boards from abutting one another. Thus, there is no reason in McGath to provide the second fitting clearance so as to precisely align the planar

surface of one board with the planar surface of another board because, as shown in Fig. 4 of McGath, such planar surfaces of adjacent boards do not abut. However, in the claimed invention, as shown in Fig. 2, the planar surfaces of the boards abut and the provision of the second fitting clearance provides alignment of the planar surfaces such that the joint appears to be one continuous surface when the various boards of the invention are assembled into a unitary structure, such as a floor. Thus, notwithstanding any attempt at reading McGath so as to contain guiding wedges to form a second fitting clearance, it is clear that the overall teachings of McGath cannot meet the limitations of the invention as claimed, or make obvious those limitations, since McGath is not even concerned with the problem being overcome by the invention of applicants.

Thus, finding bits and pieces of structure in McGath which could be interpreted as meeting the structural limitations of some portions of the independent claim still does not provide the deficiency of motivating one skilled in the art to make modification of McGath so as to make obvious the invention as claimed.

Even the combination of McGath in view of Martensson does not teach nor make obvious the claimed invention. The deficiencies of McGath are noted above. Although Martensson teaches that particle board covered by a thermosetting laminate is preferable for constructing floorboards, the Examiner points to no teaching in Martensson to correct the foregoing deficiencies noted in McGath. For the foregoing reasons, withdrawal of the rejection is respectfully requested.

It is noted on page 7 of the Office Action the following sentence "Wilson does not disclose particle board covered in decorative thermosetting laminate." However, as the Examiner has not relied on Wilson in a statement of rejection for any of the claims presently presented for examination,

or to supplement the deficiencies of McGath alone or in view of Martensson, further comment of the deficiencies of Wilson are not deemed necessary.

For all the foregoing reasons, withdrawal of the rejection and passage of the application to issue are respectfully requested.

Respectfully submitted,



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Date: January 17, 2006